

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ) No. 3:06cr83MCR  
Plaintiff, )  
v. ) NOTICE OF POSSIBLE  
NADINE J. GRIFFIN, ) UNAVAILABILITY OF DEFENDANT'S  
Defendant. ) COUNSEL

To: The Clerk of the above-entitled Court;

And to: Plaintiff United States and its attorneys Christopher Maietta and John Kane;

YOU AND EACH OF YOU please take notice that Defendant's Counsel may not be available for sentencing, which is currently scheduled for October 25, 2006.

Counsel is representing the defendant Kent Hovind a federal criminal case in the U.S. District Court for the Northern District of Florida, USA v. Hovind, Cause No. 3:06cr83MCR. That case is scheduled for trial October 17-20, 23-24, and 30 until trial concludes. It is anticipated that trial in that case will last three weeks.

Currently, the Honorable M. Casey Rogers, judge for the case, is scheduled to attend a judicial conference October 25-27. However, at the pretrial conference on October 10<sup>th</sup>, counsel informed that court of the sentencing scheduled for October 25<sup>th</sup> in this Court. Judge Rogers stated that if that case requires, for example if it has gone to the jury and the jury is in deliberations, then the trial will continue on October 25<sup>th</sup>, and I will be unable to leave to attend sentencing in this case.

It is possible that counsel will know by the end of the court day on October 23<sup>rd</sup> the status of availability before this Court on October 25<sup>th</sup>. However, out of respect for this Court and the parties and their counsel, and out of an abundance of caution, Counsel

Notice of Possible Unavailability of  
Defense Counsel

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is notifying this Court of the possibility of his unavailability for sentencing on October 25, 2006.

Respectfully submitted this 13<sup>th</sup> day of October, 2006.

/s/ Alan S. Richey  
Alan Stuart Richey  
Counsel for Nadine J. Griffin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I did electronically file the foregoing motion using the court's CM/ECF system which will send notice of the filing to the attorney of record for the plaintiff, Christopher Maietta and John Kane, and any other counsel of record through the CM/ECF system or by U.S. Mail.

Dated this 13<sup>th</sup> day of October, 2006.

/s/ Alan S. Richey  
Alan S. Richey

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